

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEREMY BEEDLE,)
Petitioner,)
v.) No. 4:14CV02126 ERW
TROY STEELE,)
Respondent.)

MEMORANDUM AND ORDER

This matter comes before the Court on Petitioner Jeremy Beedle’s “Notice of Appeal” [ECF No. 26].

The disposition of Petitioner’s Amended Petition for Writ of Habeas Corpus is pending in this Court. On June 10, 2015, the Magistrate Judge, to which this case has been referred, issued an Order granting Respondent an extension, “up to and including June 19, 2015,” to file a Response to the Court’s Order to Show Cause why the relief requested in Petitioner’s Amended petition should not be granted [ECF No. 17]. Respondent’s Response had previously been due on May 12, 2015, but Respondent had not filed his Motion for Extension of Time until June 9, 2015. Upon the granting of the extension, Respondent timely filed his Response on June 19. On July 7, Petitioner filed the present “Notice of Appeal.”¹

¹ The original filing of Petitioner’s “Notice of Appeal” is docketed as ECF No. 20. However, there was confusion as to whether Petitioner was seeking review of the Magistrate Judge’s decision from this Court or from the United States Court of Appeals for the Eighth Circuit. It became clear Petitioner sought review by the District Court, and upon the voluntary dismissal of Petitioner’s appeal with the Eighth Circuit, his “Notice of Appeal” was re-docketed as ECF No. 26 on July 23, 2015.

Petitioner asks this Court to reconsider the granting of Respondent's requested extension. He argues Respondent's cited reasoning for needing an extension was "without merit" [ECF No. 26 at 1]. Respondent had claimed he was "confused about the need for a response after the court's order to Beedle to elect between dismissing the petition or proceeding with the current petition" [ECF No. 16 at 1]. This would appear to be in reference to the Court's Order from May 21, 2015, where this Court denied Petitioner's "Motion to Stay Proceedings" and ordered Petitioner to file with the Court "either a notice to the Court indicating his intention to proceed with his habeas petition, or a Motion to voluntarily dismiss said habeas petition" [ECF No. 14 at 1]. In his "Notice of Appeal," Petitioner points out Respondent's failure to file his Response by May 12 could not have been caused by "confusion" from an Order issued on May 21 [ECF No. 26 at 1-2]. Petitioner asks the Court to "reverse" the decision to grant an extension, as the decision "has affected [P]etitioner's substantive right" [ECF No. 26 at 2].

Regardless of Respondent's degree of "confusion," or its source, Petitioner has failed to: (1) establish how such a short delay has adversely affected his substantive rights; or (2) provide any other legal basis for reversing the Magistrate Judge's decision. Therefore, the Court will deny Petitioner's motion.

Accordingly,

IT IS HEREBY ORDERED that Petitioner Jeremy Beedle's "Notice of Appeal" [ECF No. 26], is **DENIED**.

Dated this 3rd Day of August, 2015.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE